

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

Musket Research Associates, Inc.,

Plaintiff,

v.

Ovion, Inc.,
William S. Tremulis, and
Jeffrey P. Callister,

Defendants.

Case No. 05-10416 MEL

Ovion, Inc.,

Counterclaimant,

v.

Musket Research Associates, Inc.,
David B. Musket, and
Sue Ann Latterman,

Counterdefendants.

[~~PROPOSED~~] ORDER

This Court, having considered the submissions and arguments of the parties, hereby
ORDERS:

1. Pending resolution of Defendants' motion for summary judgment filed on January 27, 2006, the following discovery shall be stayed: discovery between the parties, discovery pursuant to subpoenas directed to American Medical Systems, Inc. ("AMS"), and all depositions.
2. The Court will address the case schedule with the parties after resolution of Defendants' summary judgment motion.
3. *Defendants' Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things* (Docket No. 33) (hereinafter "*Defendants' Motion to Compel*") is denied without prejudice.

4. Subject to the above stay, Defendants may depose Plaintiff regarding the subject matter contemplated by *Defendants' Motion To Compel* (Defendants' Interrogatory Nos. 1-2 and Requests for Production Nos. 2, 3, 4, 9, 16, and 18).

5. After Defendants have deposed Plaintiff regarding the subject matter of Defendants' Interrogatory No. 2, Defendants shall answer Plaintiff's interrogatories regarding communications with AMS and information provided by Defendants or on Defendants' behalf to AMS on or before February 17, 2005. Defendants shall serve these interrogatory responses by hand immediately upon completion of this first phase of the deposition of Plaintiff or the resolution of any dispute regarding the sufficiency of Plaintiff's deposition testimony, whichever is later. Until Defendants have answered these interrogatories, this information shall be treated as Outside Counsel Eyes Only. Thereafter, the information shall be designated Confidential and not Outside Counsel Eyes Only, and Defendants may continue the deposition of Plaintiff, but no sooner than seven (7) calendar days after service of Defendants' interrogatory responses.

Dated: 2/2/06


United State District Court Judge

Approved as to form:

February 2, 2006

/s/ Brooks A. Ames
Brooks A. Ames (BBO #641192)
DLA PIPER RUDNICK GRAY CARY US LLP
One International Place, 21st Floor
Boston, MA 02110-2600
(617) 406-6045 (telephone)
(617) 406-6145 (facsimile)

*Attorneys for Plaintiff and Counterdefendant
Musket Research Associates, Inc. and
Counterdefendants David B. Musket and Sue
Ann Latterman.*

/s/ Leland G. Hansen
Leland G. Hansen (*pro hac vice*)
Christopher V. Carani (*pro hac vice*)
MCANDREWS, HELD & MALLOY, LTD.
500 W. Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000 (telephone)
(312) 775-8100 (facsimile)

*Attorneys for Defendant and
Counterclaimant Ovion, Inc. and
Defendants William S. Tremulis and Jeffrey
P. Callister.*